

Application Serial No. 10/750,580
Response dated January 5, 2007
Reply to Office Action dated October 5, 2006

Remarks

This paper is filed in response to the final Office Action mailed October 5, 2006. Claims 1-9 and 31-51 are pending. Claims 31-51 are withdrawn as being directed to a non-elected invention. Claims 1-9 have been examined.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 5-9 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim. Claim 5 has been rewritten in independent form. Claims 5-9 are now believed to be allowable.

Rejection under 35 U.S.C. § 102(b)

Claim 1 is rejected as being anticipated by Wood et al. (US 6,036,872). Claim 1, as amended, recites:

1. (Currently amended) An integrated package comprising:
 - a first wafer having a first surface;
 - a second wafer having a first surface bonded at a first perimeter to the first surface of the first wafer, the second wafer having a detector on its first surface; and
 - a recess formed in the first surface of the first wafer between the first perimeter and a second perimeter situated within the first perimeter for a window situated within the second perimeter; wherein the detector is situated within the second perimeter.

Applicants submit that Wood et al. do not appear to teach each and every element of the integrated package as is now recited in independent claim 1. In particular, Wood et al. do not appear

to teach a recess formed in the first surface of the first wafer between the first perimeter and a second perimeter, where the detector is situated within the second perimeter. As shown in FIG. 1b of Wood et al., the chamber 16 appears to be situated over the array 17. Wood et al. teach, "Cavity 16 is the chamber that contains an array 17 of detectors on the surface of wafer 13" (emphasis added; see column 2, lines 16-18). One of ordinary skill in the art would not interpret the structure of Wood et al. as having a recess formed between first and second perimeters, with a detector within the second perimeter, as is now recited in independent claim 1. Further, there is no motivation for one of ordinary skill in the art to modify the device of Wood et al. to achieve the claimed package. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 2-4 are rejected as being unpatentable over Wood et al. in view of Higashi (US 5,895,233) and further in view of Banish et al. (US 2002/0135869). For at least the reasons set forth above, Wood et al. do not appear to teach the basic elements of independent claim 1, from which claims 2-4 depend. Higashi and Banish et al. do not appear to provide what Wood et al. lacks, thus any combination of Wood et al., Higashi, and Banish et al. also fails to teach each and every element of the claimed package. Additionally, there is no motivation for one of ordinary skill in the art to modify the devices of Wood et al., Higashi, and/or Banish et al. to achieved the claimed

package.

Further, there does not appear to be any motivation to combine the teachings of Wood et al. and Higashi. The Examiner asserts that the rationale for combining the references is that "both Wood and Higashi are in the same field of endeavor of making encapsulated vacuum micro-package." See page 4, last sentence of Office Action mailed October 5, 2006. MPEP 2143.01 III states:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)... Although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.' 916 F.2d at 682, 16 USPQ2d at 1432.)

Applicants submit that just because Wood et al. and Higashi may be in the same field of endeavor does not provide the necessary suggestion of the desirability of their combination.

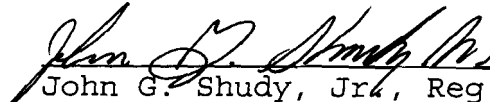
Banish does not appear to provide what Wood et al. and Higashi lack. None of the references appear to teach or suggest a package having a recess formed in a first wafer between first and second perimeters, with a detector situated within the second perimeter. As stated above, Wood et al. appear to teach a recess/chamber 16 situated above an array 17 (see Fig. 1b). Thus, even if one were to combine the teachings of Wood et al., Higashi, and Banish, one would not arrive at the claimed package. Reconsideration and withdrawal of the rejection are respectfully requested.

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Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, all pending claims are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney.

Respectfully submitted,

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